

FILED & ENTERED

AUG 24 2017

CLERK U.S. BANKRUPTCY COURT
Central District of California
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

MARK ELIAS CRONE, Elias Crone

Debtor(s).

CHAPTER 7

Case No.: 2:17-bk-12392-BR
Adv No: 2:17-ap-01289-BR

**ORDER AFTER HEARING GRANTING
DEFENDANT GARY GORHAM'S SPECIAL
MOTION TO STRIKE UNDER CALIFORNIA
C.C.P. § 425.16 AND MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM (FRBP
7012 AND FRCIVP 12(b)(6)) AND
DISMISSING ADVERSARY PROCEEDING
AS TO DEFENDANT GARY GORHAM**

JEFFREY A. RINDE AND CKR GLOBAL
ADVISORS, INC.,

Plaintiff(s),

v.

SUSAN CRONE, GARY GORHAM
AND LEONIDAS P. FLANGAS,

Defendant(s).

Date: July 25, 2017
Time: 10:00 AM
Courtroom: 1668

1 This matter came on for hearing on the regularly noticed motions of defendant
2 Gary Gorham on July 25, 2017 at 10:00 a.m. before the Honorable Barry Russell,
3 United States Bankruptcy Judge. At the hearing, the Court heard argument and
4 considered Gorham's special motion to strike the adversary proceeding as to him
5 pursuant to California C.C.P. §425.16 (Docket No. 37), his motion to dismiss for
6 failure to state a claim against him (Docket No. 39), pursuant to F.R.B.P. Rule 7012
7 and F.R.Civ.P. 12(b)(6), plaintiffs' oppositions (Docket Nos. 53, 54, 55 and 56) and
8 Gorham's replies (Docket Nos. 60 and 62). Appearances on the motions were: for
9 defendant and moving party Gary Gorham: Scott J. Tepper of Garfield & Tepper; for
10 plaintiffs: J. Bennett Friedman of Friedman Law Group.

11 After considering the motions, oppositions and replies, and the evidence
12 submitted in support of and opposition to the special motion to strike, and considering
13 argument of counsel, and being fully apprised in the matter, and as to the special
14 motion to strike. FOR THE REASONS STATED ON THE RECORD, and good cause
15 appearing therefor,

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- 17 1. The motion to dismiss for failure to state a claim is granted;
18 2. The special motion to strike is granted;
19 3. This adversary proceeding is dismissed, with prejudice, as to defendant Gary
20 Gorham; and
21 4. Defendant Gary Gorham shall file and serve his motion for attorney's fees
22 for hearing on September 12, 2017 (such date to act as a "control date" pending any
23 notice of appeal plaintiffs may file).

24 # # #

25 Date: August 24, 2017



Barry Russell
United States Bankruptcy Judge